

DENLOW,TERMED

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 5.0.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:11-cv-00236

Weigel Broadcasting Co. v. Federal Communications
Commission
Assigned to: Honorable Ronald A. Guzman
Cause: 05:552 Freedom of Information Act

Date Filed: 01/13/2011
Date Terminated: 07/16/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Weigel Broadcasting Co.
an Illinois corporation

represented by **Mark A. Rabinowitz**
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Chicago, IL 60606
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ATTORNEY TO BE NOTICED

V.

Defendant

Federal Communications Commission

represented by **Abigail Lynn Peluso**
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| Date Filed | # | Docket Text |
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| 01/13/2011 | <u>1</u> | COMPLAINT filed by Weigel Broadcasting Co.; Filing fee \$ 350, receipt number 0752-5605875. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Rabinowitz, Mark) (Entered: 01/13/2011) |
| 01/13/2011 | <u>2</u> | CIVIL Cover Sheet (Rabinowitz, Mark) (Entered: 01/13/2011) |
| 01/13/2011 | <u>3</u> | ATTORNEY Appearance for Plaintiff Weigel Broadcasting Co. by Mark A. Rabinowitz (Rabinowitz, Mark) (Entered: 01/13/2011) |
| 01/13/2011 | <u>4</u> | LOCAL Rule 3.2 disclosure statement by Weigel Broadcasting Co. (Rabinowitz, Mark) Modified on 1/14/2011 (vmj,). (Entered: 01/13/2011) |
| 01/13/2011 | | CASE ASSIGNED to the Honorable Ronald A. Guzman. Designated as Magistrate Judge the Honorable Morton Denlow. (mh,) (Entered: 01/13/2011) |

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| 01/13/2011 | <u>5</u> | 3 SUMMONS Issued as to Federal Communications Commission, U.S. Attorney's Office and U.S. Attorney General (vmj,) (Entered: 01/13/2011) |
| 01/24/2011 | <u>6</u> | MINUTE entry before Honorable Ronald A. Guzman: The Court orders the parties to appear for an initial status hearing. All parties shall refer to and comply with Judge Guzman's requirements for the initial appearance as outlined in Judge Guzman's case management procedures, which can be found at: www.ilnd.uscourts.gov. Status hearing set for 3/21/2011 at 09:30 AM. Mailed notice (cjb,) (Entered: 01/24/2011) |
| 01/24/2011 | <u>7</u> | SUMMONS Returned Executed by Weigel Broadcasting Co. as to Federal Communications Commission served on 1/19/2011, answer due 3/21/2011 (Rabinowitz, Mark) (Entered: 01/24/2011) |
| 01/24/2011 | <u>8</u> | DESIGNATION of Abigail Lynn Peluso as U.S. Attorney for Defendant Federal Communications Commission (Peluso, Abigail) (Entered: 01/24/2011) |
| 01/27/2011 | <u>9</u> | AFFIDAVIT of Service filed by Plaintiff Weigel Broadcasting Co. regarding Summons and Complaint served on Federal Communications Commission on January 20, 2011 (Rabinowitz, Mark) (Entered: 01/27/2011) |
| 01/28/2011 | <u>10</u> | SUMMONS Returned Executed by Weigel Broadcasting Co. as to Federal Communications Commission served on 1/20/2011, answer due 3/21/2011 (Rabinowitz, Mark) (Entered: 01/28/2011) |
| 02/16/2011 | <u>11</u> | MOTION by Defendant Federal Communications Commission for extension of time to file answer (Peluso, Abigail) (Entered: 02/16/2011) |
| 02/16/2011 | <u>12</u> | NOTICE of Motion by Abigail Lynn Peluso for presentment of motion for extension of time to file answer <u>11</u> before Honorable Ronald A. Guzman on 2/22/2011 at 09:30 AM. (Peluso, Abigail) (Entered: 02/16/2011) |
| 02/16/2011 | <u>13</u> | MINUTE entry before Honorable Ronald A. Guzman: Defendant's motion for extension of time to 3/21/2011 to answer or otherwise plead <u>11</u> is granted. Mailed notice (jms,) (Entered: 02/16/2011) |
| 03/16/2011 | <u>14</u> | STATUS Report by Federal Communications Commission, Weigel Broadcasting Co. (Rabinowitz, Mark) (Entered: 03/16/2011) |
| 03/18/2011 | <u>15</u> | ANSWER to Complaint by Federal Communications Commission (Peluso, Abigail) (Entered: 03/18/2011) |
| 03/21/2011 | <u>16</u> | MINUTE entry before Honorable Ronald A. Guzman: Status hearing held on 3/21/2011. Index as stated in open court to be filed by 4/18/11. Initial filing of cross motions for summary judgment to begin on or before 5/9/11. Judge Guzman's standing order regarding cross motions for summary judgment is posted on the Court's website: www.ilnd.uscourts.gov. Mailed notice (cjb,) (Entered: 03/21/2011) |
| 04/18/2011 | <u>17</u> | NOTICE by Federal Communications Commission <i>of Filing</i> (Peluso, Abigail) (Entered: 04/18/2011) |
| 04/18/2011 | <u>18</u> | DECLARATION of David Brown (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Peluso, Abigail) (Docket Text Modified by Clerk's Office) (Entered: 04/18/2011) |
| 05/09/2011 | <u>19</u> | MOTION by Defendant Federal Communications Commission for summary judgment (Peluso, Abigail) (Entered: 05/09/2011) |
| 05/09/2011 | <u>20</u> | MEMORANDUM by Federal Communications Commission in support of motion for summary judgment <u>19</u> (Attachments: # <u>1</u> Exhibit A) (Peluso, Abigail) (Entered: 05/09/2011) |
| 05/09/2011 | <u>21</u> | RULE 56.1 Statement by Federal Communications Commission regarding motion for summary judgment <u>19</u> (Attachments: # <u>1</u> Exhibit A, B, C) (Peluso, Abigail) (Entered: 05/09/2011) |
| 05/20/2011 | <u>22</u> | MOTION by Plaintiff Weigel Broadcasting Co. for summary judgment (Rabinowitz, Mark) (Entered: 05/20/2011) |

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| 05/20/2011 | <u>23</u> | MEMORANDUM motion for summary judgment <u>19</u> , motion for summary judgment <u>22</u> by Weigel Broadcasting Co. <i>in Support of Weigel Broadcasting's Motion for Summary Judgment and in Opposition to Federal Communications Commission's Motion for Summary Judgment</i> (Rabinowitz, Mark) (Entered: 05/20/2011) |
| 05/20/2011 | <u>24</u> | RULE 56.1 Statement by Weigel Broadcasting Co. regarding motion for summary judgment <u>22</u> (Rabinowitz, Mark) (Entered: 05/20/2011) |
| 05/20/2011 | <u>25</u> | RESPONSE by Plaintiff Weigel Broadcasting Co. to Rule 56 statement <u>21</u> (Rabinowitz, Mark) (Entered: 05/20/2011) |
| 05/27/2011 | <u>26</u> | MOTION by Defendant Federal Communications Commission for extension of time to file response/reply as to motion for summary judgment <u>22</u> (Peluso, Abigail) (Entered: 05/27/2011) |
| 05/27/2011 | <u>27</u> | NOTICE of Motion by Abigail Lynn Peluso for presentment of motion for extension of time to file response/reply, motion for relief <u>26</u> before Honorable Ronald A. Guzman on 6/2/2011 at 09:30 AM. (Peluso, Abigail) (Entered: 05/27/2011) |
| 05/27/2011 | <u>28</u> | RESPONSE by Weigel Broadcasting Co.in Opposition to MOTION by Defendant Federal Communications Commission for extension of time to file response/reply as to motion for summary judgment <u>22 26</u> (Rabinowitz, Mark) (Entered: 05/27/2011) |
| 06/01/2011 | <u>29</u> | MINUTE entry before Honorable Ronald A. Guzman: Notice of motion set for 6/2/11 is stricken. Motion y Defendant Federal Communications Commission for extension of time to file reply as to motion by Plaintiff Weigel Broadcasting Co. for summary judgment <u>22 26</u> is granted. Reset deadlines as to motion by Plaintiff Weigel Broadcasting Co. for summary judgment <u>22</u> : Responses due by 6/21/2011 Replies due by 7/8/2011. Mailed notice (cjb,) (Entered: 06/01/2011) |
| 06/20/2011 | <u>30</u> | RESPONSE by Defendant Federal Communications Commission <i>to Weigel's Rule 56.1 Statement of Fact</i> (Peluso, Abigail) (Entered: 06/20/2011) |
| 06/20/2011 | <u>31</u> | RESPONSE by Defendant Federal Communications Commission <i>to Weigel's Statement of Additional Facts</i> (Peluso, Abigail) (Entered: 06/20/2011) |
| 06/20/2011 | <u>32</u> | RULE 56.1 <i>Statement of Additional Uncontested Fact</i> (Attachments: # <u>1</u> Exhibit A)(Peluso, Abigail) (Entered: 06/20/2011) |
| 06/20/2011 | <u>33</u> | MEMORANDUM by Federal Communications Commission in Opposition to motion for summary judgment <u>22</u> <i>and Reply in Support of Its Motion for Summary Judgment</i> (Peluso, Abigail) (Entered: 06/20/2011) |
| 07/07/2011 | <u>34</u> | REPLY memorandum by Plaintiff in support of its motion for summary judgment <u>22</u> (Rabinowitz, Mark) (Text modified by clerk's office) (Entered: 07/07/2011) |
| 07/07/2011 | <u>35</u> | REPLY by Plaintiff Weigel Broadcasting Co. to Response <u>30</u> <i>to Weigel Broadcasting Co.'s Rule 56.1 Statement of Fact</i> (Rabinowitz, Mark) (Entered: 07/07/2011) |
| 07/07/2011 | <u>36</u> | RESPONSE by Plaintiff Weigel Broadcasting Co. to Rule 56 statement <u>32</u> (Rabinowitz, Mark) (Entered: 07/07/2011) |
| 02/17/2012 | <u>37</u> | MINUTE entry before Honorable Ronald A. Guzman: Pursuant to Memorandum Opinion and Order dated 2/17/12, the Court grants in part and denies in part the FCC's motion for summary judgment <u>19</u> and denies plaintiff's motion for summary judgment <u>22</u> . The Court orders the FCC to produce documents 10 and 11 to the Court for in camera review within fourteen days of the date of this order. Thereafter, the Court will issue a ruling by mail with respect to those documents. Mailed notice (cjb,) (Entered: 02/21/2012) |
| 02/17/2012 | <u>38</u> | MEMORANDUM Opinion and Order Signed by the Honorable Ronald A. Guzman on 2/17/2012. Mailed notice(cjb,) (Entered: 02/21/2012) |
| 03/02/2012 | <u>39</u> | NOTICE by Federal Communications Commission <i>of Submission of Records For In Camera Review</i> (Peluso, Abigail) (Entered: 03/02/2012) |

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| 03/08/2012 | <u>40</u> | MOTION by Plaintiff Weigel Broadcasting Co. for reconsideration regarding memorandum opinion and order <u>38</u> (Rabinowitz, Mark) (Entered: 03/08/2012) |
| 03/08/2012 | <u>41</u> | MEMORANDUM by Weigel Broadcasting Co. in support of motion for reconsideration, motion for relief <u>40</u> (Rabinowitz, Mark) (Entered: 03/08/2012) |
| 03/08/2012 | <u>42</u> | NOTICE of Motion by Mark A. Rabinowitz for presentment of motion for reconsideration, motion for relief <u>40</u> before Honorable Ronald A. Guzman on 3/13/2012 at 09:30 AM. (Rabinowitz, Mark) (Entered: 03/08/2012) |
| 03/09/2012 | <u>43</u> | MINUTE entry before Honorable Ronald A. Guzman: Notice of motion set for 3/13/12 is stricken. Set deadlines as to motion by Plaintiff Weigel Broadcasting Co. for reconsideration regarding memorandum opinion and order <u>38</u> <u>40</u> : Response due by 3/30/2012. Reply due by 4/13/2012. Ruling to be by mail. Mailed notice (cjg,) (Entered: 03/09/2012) |
| 03/30/2012 | <u>44</u> | RESPONSE by defendant to plaintiff's motion to reconsider <u>40</u> . (Peluso, Abigail) (Text modified by clerk's office) (vmj,). (Entered: 03/30/2012) |
| 04/05/2012 | <u>45</u> | REPLY Memorandum in support by Plaintiff of its motion for reconsideration of 2/17/2012 ruling <u>40</u> . (Rabinowitz, Mark) (Text modified by clerk's office) (vmj,). (Entered: 04/05/2012) |
| 07/16/2012 | <u>46</u> | MINUTE entry before Honorable Ronald A. Guzman: Plaintiff's motion to reconsider <u>40</u> is granted in part to correct an error in the Court's Memorandum Opinion and Order entered February 21, 2012 ("Order"). The Court hereby amends the second sentence of the first full paragraph on page eight of the Order to state: "Documents 1–9, 12–26 and 29–32 are draft decisions and orders on plaintiff's applications, internal memoranda and emails discussing the agency's possible decisions on the applications, its procedures with respect to the possible decisions and its response to an inquiry about the status of the review." The motion to reconsider, which otherwise reiterates arguments plaintiff previously made, is denied. Mailed notice (cjg,) Mailed notice (cjg,) (Entered: 07/16/2012) |
| 07/16/2012 | <u>47</u> | MINUTE entry before Honorable Ronald A. Guzman: In accordance with its February 21, 2012 Memorandum Opinion and Order ("Order"), the Court has reviewed in camera documents 10 and 11, which defendant withheld from production under the Freedom of Information Act ("FOIA"). The documents are draft decisions in letter form that were prepared before plaintiff withdrew its applications in September 2009. As such, for the reasons discussed in the Order, documents 10 and 11 are subject to the deliberative process privilege and FOIA exemption 5. Having determined that defendant properly withheld under FOIA documents 1–26 and 29–32, the only documents still at issue in this case, the Court hereby enters judgment for defendant and against plaintiff and terminates this case. Civil case terminated. Mailed notice (cjg,) (Entered: 07/16/2012) |
| 07/16/2012 | <u>48</u> | ENTERED JUDGMENT Signed by Deputy Clerk on 7/16/2012. Mailed notice (cjg,) (Entered: 07/16/2012) |